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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/484,331	01/18/2000	John J. Harrington	5817-7L	9576

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BOSTON, MA 02109

EXAMINER

WOITACH, JOSEPH T

ART UNIT PAPER NUMBER

1632

DATE MAILED: 09/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action
After the Filing of an Appeal Brief

Application No.

09/484,331

Examiner

Joseph T. Voitach

Applicant(s)

HARRINGTON ET AL.

Art Unit

1632

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The reply filed 30 June 2006 is acknowledged.

1. ☐ The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:
- a. ☐ The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).
- b. ☐ The affidavit or other evidence is not timely filed before the filing of an appeal brief. See 37 CFR 41.33(d)(2).
2. ☐ The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences for further consideration of rejection (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. ☒ The reply is entered. An explanation of the status of the claims after entry is below or attached.

4. ☒ Other: Claims 69-70 are pending and stand rejected under 35 USC 112, first paragraph.

Applicants' supplemental brief provides no proposed claim amendments, effectively only arguments in section VII. The arguments provided in the supplemental brief are not new per se, and appear to be another tack of traverse representing a piecemeal analysis of specific embodiments encompassed by the claim(s). For example, equating the cells generated and required in the claimed method to those known and characterized in the art which are used for methods of drug discovery. No new argument or evidence has been provided to support such an assertion or line of argument by Applicants. The reliance of the declaration of Dr. Dhanoa fails to address this issue, and fails to provide a nexus for applying known drug discovery methods in characterized systems to that of the cells generated with "novel" vectors, which provide unique expression patterns not seen in nature or in drug discovery systems supported in the cited art of record.

The rejections are maintained for the reasons of record.


JOSEPH VOITACH, PH.D.
PRIMARY EXAMINER

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